F. I. D. 1–25.

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISIONS 1–25.

INTRODUCTION.

For the information of importers and exporters of food products and of the public it is advisable to publish more widely than would be possible by decisions given to individuals or firms the opinions of this Department rendered by the Secretary under the existing law relating to the examination of food products before shipment to foreign countries and to the examination of food products imported into this country. The following digest shows the principal decisions rendered to date covering these points, together with circulars and other printed matter relating thereto. It is proposed hereafter to issue at convenient intervals similar decisions and opinions which may be rendered.

H. W. WILEY,
Chief, Bureau of Chemistry.

Approved:
JAMES WILSON,
Secretary of Agriculture.
Washington, D. C., June 1, 1905.

30621—05 M——1

(F. I. D. 1.)

LAWS UNDER WHICH THE FOOD INSPECTION IS CONDUCTED.

To investigate the adulteration of foods, condiments, beverages, and drugs, when deemed by the Secretary of Agriculture advisable, and to publish the results of such investigations when thought advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein; to investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. * * *

To investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and report the result in the bulletins of the Department; and the Secretary of Agriculture, whenever he has reason to believe that such articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their

manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded either as to their contents or as to the place of their manufacture or production, or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported. * * * (*Sections of appropriation act of March 3, 1905.*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

SEC. 2. That if any person or persons violate the provisions of this act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed. (*Act of July 1, 1902.*)

(F. I. D. 2.)

OPINIONS OF THE ATTORNEY-GENERAL RELATING TO THE SCOPE AND MEANING OF THE ACT OF JULY 1, 1902 (32 STAT., 632), REGULATING THE BRANDING OF DAIRY AND FOOD PRODUCTS FOR INTERSTATE COMMERCE.[a]

August 1, 1903.

In order that a correct understanding might be had as to the scope of the law relating to the branding of dairy and food products, the opinion of the Attorney-General was asked concerning certain features of that act. Samples of labels which were used in commercial operations were submitted, with the request that an opinion be given as to

[a] Published as an unnumbered circular, Office of the Secretary.

whether or not they conformed to the provisions of the law. Two separate opinions were asked of the Attorney-General in regard to this law.

First, in the case of a firm, ——— ———, established in one State and dealing in goods which were grown and manufactured in another State, the labels, however, bearing the name and address of the firm in its central place of business, the direct question asked was:

Is not the label as it stands a distinct statement that the product bearing it is manufactured and prepared in (address of the firm given)?

One particular object of the law appears to be to prevent the utilization of the name of localities which have become noted for the production of a certain food product in connection with other food products of a similar nature made elsewhere.

The second point on which the opinion of the Attorney-General was asked was as follows:

The question which I desire to propose to you now is, whether, under the provisions of the two acts referred to (Public—No. 158, approved March 3, 1903, regulating the importation of goods, and the act first mentioned above) it will be possible to prevent the misbranding of foreign products. In other words, would the provisions of Public—No. 223, referred to first above, apply to any foreign product entering into interstate commerce, or do they apply only to articles of food of domestic manufacture?

From correspondence conducted with large manufacturing firms, it is evident that they desire at once to conform to the provisions of these laws if they can only be distinctly made known. To this end I have deemed it advisable to publish the decisions of the Attorney-General on these questions, omitting merely the names of the firms specifically referred to, for the information of manufacturers, dealers, and consumers.

JAMES WILSON,
Secretary of Agriculture.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 22, 1903.

The SECRETARY OF AGRICULTURE.

SIR: I beg to acknowledge the receipt of your letter of the 11th instant, inclosing one addressed to you by the ——— ——— Company, of Milwaukee, Wis., together with two samples of labels which they have submitted for your approval, and in which you say:

These labels do not seem to fall within either class on which you passed your opinion of September 20. The goods described by these labels purport to be in every respect goods manufactured by the ——— ——— Company. They say in their letter, however, that they purchase all their goods in Iowa.

The question which I desire to propound particularly in this respect is the

following: Is not the label of ——— ———, as it stands, a distinct statement that the product bearing it is manufactured and prepared in Wisconsin?

One of the labels considered in the opinion of September 20 (24 Opin., 125) read: "Packed for ——— ——— Company (Limited), wholesale grocers, Shreveport, La." The other omitted the words "Packed for" and "Wholesale grocers," and was in these words: "The ——— Brand Lima Beans, ——— ——— Company (Limited), Shreveport, La." They were held not to come within the act of July 1, 1902, c. 1357 (32 Stat., 632), regulating this subject.

The labels now submitted (which are to be used on canned goods) are substantially alike in form and character. One bears the words "——— ——— Daisy Sugar Corn, ——— ——— Company, Milwaukee, Wis." In the other, "Tip Top" takes the place of the word "Daisy."

Section 1 of the act of July 1, 1902, provides—

> That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

Section 2 makes a violation of the act a misdemeanor, punishable by a fine of not less than $500 nor more than $2,000.

In the opinion of September 20, after stating that the mere omission of the place of manufacture can not be said to constitute a violation of the law and that the name of the wholesale dealer on the label or brand is not necessarily a representation that he is the producer or manufacturer of the goods, it was observed: "Of course, if goods are manufactured or produced in one State, and the wholesale dealer is a resident of another, and the label or brand is so worded as to represent the dealer as the producer, there would be a violation of the law if such commodities were introduced into one State from another."

The ——— ——— Company, it is stated, purchase all their goods in Iowa. But the words "——— Daisy Sugar Corn, ——— ——— Company, Milwaukee, Wis.," clearly imply that the goods referred to are manufactured or prepared by that company in Wisconsin. The general public, unfamiliar with trade practices, would inevitably reach that conclusion. It seems to me, therefore, that these labels come within the statute as above construed. To hold otherwise would be to say that nothing short of direct and positive misrepresentation is inhibited. But that is more than the rule as to the strict construction of penal statutes can be said to require. The act in question aims to prevent the false labeling or branding of food and dairy products

entering into interstate commerce. It does not, however, undertake to say what shall be held to constitute a false label or brand. Each case must therefore rest upon its own particular facts. But wherever the natural inference to be drawn from the form or words of a brand or label is contrary to the fact as to the State or Territory in which the articles referred to are made, produced, or grown, the case would seem to be within both the letter and the spirit of the law.

The papers inclosed are herewith returned as requested.

Respectfully,

P. C. KNOX, *Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, D. C., June 18, 1903.

The Honorable the SECRETARY OF AGRICULTURE.

SIR: In your note of June 2, 1903, you transmit to me an excerpt from the appropriation act of March 3, 1903 (32 Stat., 1157, 1158), authorizing the Secretary of Agriculture to investigate the adulteration of foods, drugs, and liquors, and forbidding the Secretary of the Treasury to deliver to the consignee any such goods imported from a foreign country which the Secretary of Agriculture has "reported to him to have been inspected and analyzed and found to be dangerous to health, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are imported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package," and a copy of the act of July 1, 1902 (32 Stat., 632), in regard to the introduction into any State or Territory or the District of Columbia of any dairy or food products which shall have been falsely labeled or branded as to the State or Territory in which they are made, produced, or grown; and you ask my opinion, in substance, whether, under the provisions referred to, you have jurisdiction or power to prevent the false labeling or branding of such articles imported from foreign countries after they have passed the custom-house and are delivered to the consignees; and whether the act last referred to above applies to such articles imported from foreign countries, or applies only to articles of domestic production.

In reply to your questions, I have the honor to say that, under the provisions of the act of March 3, 1903, to which you refer, the jurisdiction and power of your Department, and that of the Treasury Department, in respect of the matter here considered, end with the delivery of the imported article from the custom-house to the owner or consignee, and this provision of the act confers no power to prevent or punish the false labeling or branding of such imported articles after such delivery to the owner or consignee. The whole power

there conferred in this respect is to examine such imported articles before such delivery, and to refuse delivery if found to come within the ban of the act. Whatever power there may to prevent or punish the false labeling or branding of such imported goods after such delivery must be looked for elsewhere.

If the evils of false labeling of such imported articles have reached a magnitude requiring Congressional legislation, it would seem almost, or quite, as important to prevent such false labeling after the articles have passed the custom-house as before; and it would seem that Congress, while having the matter directly in hand, has omitted what would have been very appropriate legislation. But this omission can not be supplied by those called upon to interpret or to administer the law.

But I think the act of July 1, 1902, may be resorted to for partial relief from the evil to which you refer. The first section provides:

> That no person * * * shall introduce into any State or Territory of the United States or the District of Columbia, from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory, any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

The second section provides the penalty for violation of the act.

The prohibition is of the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, and the sale in said District or any Territory, of dairy or food products which are "falsely branded or labeled as to the State or Territory in which they are made, produced, or grown."

It is important to notice that the prohibition extends to falsely labeled articles introduced or brought from another State or Territory, and is not confined to articles which are made, produced, or grown in some other State or Territory of the United States. If dairy or food products which are falsely labeled or branded as to the State or Territory of their origin are introduced or brought into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, or are sold in any Territory or said District, this is clearly within the prohibition of the act, no matter whether such articles were of domestic or foreign origin. I repeat the section does not confine or purport to confine its prohibition to the introduction of falsely labeled articles made, grown, or produced in this country, but extends it to all such articles introduced from another State or Territory which are falsely labeled "as to the State or Territory in which they are made, produced, or grown."

But, as I have stated above, the act can give only partial relief. For it is plain from the context that the words "State or Territory"

refer to a State or Territory of the United States, and can not be extended to include the wider signification of foreign country. Thus, if articles of foreign origin are imported into New York, for example, and thence introduced into another State or Territory with a label or brand falsely stating their origin as to another foreign country, the case would not fall within the provisions of the statute. On the other hand, it is certain that if foreign articles imported into New York are introduced into another State or Territory with a label or brand showing them to be of New York make or growth, such articles would be "falsely labeled or branded as to the State or Territory in which they are made, produced, or grown," and such introduction would be within both the letter and the spirit and purpose of the act.

In this respect Congress can interfere only with interstate trade. It can prevent the use of false labels of dairy or food products only when they become objects of commerce between different States or Territories. Hence, the prohibition is confined to articles introduced from one State or Territory into another. But this does not imply, nor is there anything to imply, that the prohibition is confined also to articles made, produced, or grown in the State or Territory from which they are introduced, or to articles of domestic origin. It is the use of false labels on dairy and food products in interstate commerce which is prohibited. And if it is interstate commerce, it is quite unimportant whether the articles falsely labeled were of domestic or foreign origin. If an imported article of foreign origin is labeled as of domestic origin, the article is "falsely labeled or branded as to the State or Territory in which it is made, produced, or grown;" and if such article, thus falsely labeled, is introduced from one State or Territory into another or the District of Columbia, it is a violation of the act. Nor does it make any difference in this respect whether the false label or brand be placed on the article before or after leaving the custom-house in a case of foreign importation.

If it were required, a familiar rule of construction might be invoked in support of this interpretation. Statutes should be construed in aid of their manifest purpose and object. And when it is considered that the sole purpose of this act is to prevent the use of false labels or brands of dairy or food products, when articles of interstate commerce, it is manifest that a construction which limits the prohibition to domestic articles would defeat rather than aid the purpose of the act. Indeed, the greater and more prevalent evil in this respect is not in falsely stating a particular State or Territory as the origin of a domestic article, but is the labeling of a foreign article as the product of some particular State or Territory, or vice versa. This is the more serious and prevalent evil, and in my opinion is as certainly

forbidden by the act referred to as is the labeling of an article of one State or Territory as being the product of another.

I am, therefore, of opinion that the act of July 1, 1902, applies not only to domestic articles but also to those imported from foreign countries which are labeled as being of domestic origin.

Respectfully,

P. C. KNOX, *Attorney-General.*

(F. I. D. 3.)

NOTICE TO EXPORTERS OF WINES.

A RECENT LAW PASSED BY THE ARGENTINE REPUBLIC.

November, 1904.

The Argentine Republic has passed a new law relating to wines, and especially covering the conditions under which wines are to be imported into that country from foreign countries. There are many provisions of the law which should be known to the producers and exporters of wines from the United States. The full text of the new law of the Argentine Republic is given below:

ARTICLE 1. Only those wines obtained by the fermentation of fresh grapes, or simply *estacionado*, will be considered as natural wines in the Argentine Republic.

ARTICLE 2. For the purpose of the present law and of its penal dispositions the following will not be considered as natural wines:

1. Those manufactured with dried grapes.
2. Those manufactured with the cluster (bunch).
3. Those to which there shall have been added substances which, though natural in natural wines, alter the composition of them or modify the equilibrium of the substances composing a natural wine.
4. Red wines containing more than 3.5 per cent or less than 2.4 per cent of dry extract, the reducing sugar having been deducted. The executive is empowered to authorize a lower limit to the minimum below for bottled or dessert wines.
5. White wines containing less than 1.7 per cent of dry extract, the reducing sugar having been deducted, with the exception of fine wines in bottles.
6. Mixtures of wines enumerated in the five preceding paragraphs with natural wines.

ARTICLE 3. The following will be considered as lawful œnological practices:

For musts: The addition of saccharose (sugar), of concentrated must, of citric, malic, tartaric, and sulphurous acids, pure and neutralized by pure potassium and calcium carbonates.

For wines: The addition of citric, tartaric, malic, tannic, and carbonic acids, of potassium and calcium carbonate, of neutral potassium tartrate, of sulphites of sodium and calcium, and of pure sulphurous anhydrids.

Pure kaolin and pure albumens and gelatins may be employed in the clarification of wines.

ARTICLE 4. It is absolutely forbidden to add to the wine or to sell as such—

1. Liquids containing foreign coloring matters, glucose from starch, mineral acids, saccharin and other artificial edulcorant matters, *abrastol*, salicylic acid and others analogous thereto, salts of aluminum, strontium, barium, lead, and, in general, all bodies not normally existing in the musts of grapes.

2. Wines containing more than 2 grams of sulphate per liter. A larger proportion will not be tolerated except for dessert wines.

3. Wines containing more than 0.2 per cent of sodium chlorid.

4. Wines containing per liter more than 200 milligrams of sulphurous acid and 20 milligrams of free sulphurous anhydrid.

5. Damaged wines or wines altered in consequence of disease may not be sold nor made the object of commerce. These liquids shall be distilled under supervision of agents of the Treasury or of the national chemical laboratories, and only the alcohols resulting from their distillation may be utilized.

ARTICLE 5. The executive is empowered to augment or modify the authorized œnological corrections in conformity with the progress of science and the local conditions. He is empowered to add, likewise, to those specified in the present law other substances recognized as injurious by their quantity or quality.

ARTICLE 6. The following treatments followed in the preparation of fine wines are considered legal:

1. The mixture of several natural wines produced from different classes of grapes or from different harvests.

2. Limited alcoholization in order to insure the preservation of wine.

3. The addition of concentrated must and of pure alcohol in order to obtain special dessert wines.

4. The addition of saccharose (sugar), of alcohol, of aromatic and bitter substances, in order to obtain wines whose composition is similar to vermouth or medicinal wines.

5. The addition of anhydrous carbonic acid and sugar for the preparation of sparkling wines. The alcoholization authorized by the present law is for the purpose of insuring the preservation of wine. The alcohol employed for this purpose and all other products, the usage of which is authorized, must be chemically pure.

ARTICLE 7. The beverages enumerated in article 2 and all other similar beverages shall bear the name of "artificial beverages," whatever be their nature or process of manufacture, with the exception of sparkling wines, vermouth, medicinal wines, and cider.

ARTICLE 8. In case natural wines should contain a proportion of dry extract inferior or superior to that indicated in paragraphs 4 and 5 of article 2, the source of this extract will be determined in so far as it concerns the wine of the country by the analysis of grapes serving for the manufacture of this wine, and in so far as it concerns foreign wines by information based on official analytical data and of origin.

* * * * * * *

ARTICLE 10. Beverages which do not comply with the conditions determined by article 1 may not be imported, circulated, or offered for sale as natural wines, and must bear upon a part visible to the recipient the indication of the classification to which they correspond according to article 7 above.

ARTICLE 11. Foreign wines which shall be imported into the territory of Argentine for consumption must be sold in the original casks showing their origin, or put in bottles under the supervision of Government agents and accompanied by certificates of analysis from the country where they have been made. Imported wines containing more than 3.5 per cent of dry extract free from reducing sugar shall be sold under the supervision of Government agents.

ARTICLE 12. Foreign wines shall be subjected to chemical analysis upon their entrance into the country; native wines shall be subjected to the same treatment before being delivered for consumption. This analysis will be made in the national laboratories established or to be established in Buenos Ayres, Rosario,

Mendoza, San Juan, Entre Rios, Cordoba, Catamarca, Salta, and Tucuman, and in other localities where the Government may decide to establish them.

* * * * * * *

ARTICLE 14. The infractions of the provisions of article 10 of the law shall be punished by the confiscation of the merchandise with or without a penalty of 50 centavos per liter or of a month's imprisonment of the offenders for each 1,000 liters of liquid or fraction thereof.

ARTICLE 15. The infractions of the provisions of article 4 shall be punished by the destruction of the wines and a fine of 30 paper centavos per liter, or five days' imprisonment for each 1,000 liters of liquid or fraction thereof.

* * * * * * *

ARTICLE 19. The rules and proceedings established by law No. 3884 will remain in force. From January 1, 1905, foreign wines containing more than 3.5 per cent dry extract, free of reducing sugar, shall be subjected to the provisions of the tariff.

Attention is particularly called to the character of the wines which will be admitted and the fact that such wines should be accompanied by an official certificate of composition and also of origin. Under the authority of Congress the Secretary of Agriculture is authorized to furnish analyses and certificates of food products intended for export to foreign countries (F. I. D. No. 1).

Under this law exporters who desire analyses of their products to show that they are in conformity with the laws of the country to which they are to be exported may apply to the Bureau of Chemistry of the Department of Agriculture for such an investigation. The analysis blanks for making the application, instructions for taking the samples, and form of affidavit to accompany the samples will be furnished intending exporters on application. In this connection attention is called to the fact that often American food products are rejected at foreign ports, and as a result thereof complaint is made to the State Department and samples of the rejected foods are furnished for analysis. The Department of Agriculture always complies with the requests of the State Department for assistance in adjusting difficulties of this kind. It is evident, however, that all such difficulties would be avoided by shippers taking advantage of the provision of the law quoted above, to secure the proper certification of their products before shipment.

(F. I. D. 4.)

SUGGESTIONS TO IMPORTERS OF FOOD PRODUCTS.[a]

August 6, 1904.

In order to facilitate the execution of this law [F. I. D. No. 1] and to avoid any unnecessary delay in the inspection of products on arrival, the attention of importers is called to the following suggestions:

1. The inspection of food products includes foods, beverages, and condiments, and ingredients of such articles.

---

[a] Circular No. 18, Bureau of Chemistry, U. S. Dept. Agr.

2. The inspection, under the language of the law, relates to the following points:

(*a*) To ascertain if the imported products be injurious to health.

(*b*) If they be falsely branded or labeled in regard to the contents of the packages.

(*c*) If they be falsely branded or labeled as to the place of manufacture or production.

(*d*) If they be forbidden entry to or be restricted in sale in the country in which they are made or from which they are exported.

3. A food product, in the absence of contrary judicial interpretation, will be deemed by the Department of Agriculture to be adulterated—

(*a*) If any valuable ingredient naturally present therein has been extracted.

(*b*) If a less valuable ingredient has been substituted therefor.

(*c*) If it be colored, powdered, or polished, with intent to deceive, or to make the article appear of a better quality than it really is.

(*d*) If it be a substitute for or imitation of a genuine article and offered under the name of that article.

4. Products will be deemed injurious to health in the absence of contrary judicial determination—

(*a*) If any substance, with the exception of the long-used, well-known condimental substances, viz, common salt, spices, sugar (sucrose or saccharose), wood smoke, and vinegar, be added thereto for preserving, coloring, or other purposes, which is injurious to health, either as determined by actual experimental evidence or in the predominating opinion of health officers, hygienists, and physiological chemists.

(*b*) If the products be decomposed, filthy, decayed, or in any unfit condition for human consumption.

5. Products will be considered by the Department as misbranded in the absence of contrary judicial determination—

(*a*) If any false name or property be assigned thereto in the label, directly or by implication.

(*b*) If any false statement be contained in the label relating to the place of manufacture or production of the contents of the package, directly or by implication.

(*c*) If they be not of the nature, substance, and quality commonly associated with the name under which they are sold or offered for sale.

6. Food products will also be excluded from entry into the United States if they be of a character or kind forbidden entry in the country where they are manufactured or from which they are exported.

7. Food products will also be excluded from the United States if they be forbidden to be sold or be restricted in sale in the countries in which they are manufactured or from which they are exported.

ILLUSTRATIONS.

Until further notice, or until the matter shall have been determined by judicial decisions, or until the permanent standards for the products mentioned have been established by proclamation, the Department submits the following illustrations for the guidance of importers, as an index to the action of the Department in cases where the products hereinafter mentioned, and like products, are offered for import:

1. *Wine bearing a classed name*, that is, brands of wine of high grade, recognized by law and by commercial usage, must be true to name; for instance, a wine bearing the name Chateau Larose must be wine coming from the vineyard covered by that appellation and no other. Importers should be ready to furnish certificates, when asked for, of conformity of the wine to the label used. Stretched wine, that is, wine containing a part of the original wine, or a similar wine from a different vineyard, should not be labeled with the name of a true, classed wine.

2. *Wine containing sulphurous acid* in amount greater than that first mentioned below, added as a preservative or for other purposes, should carry upon the label "Preserved with sulphurous acid," and the declaration accompanying it should state approximately the quantity of sulphurous acid present. The admission of wines containing not more than 200 milligrams of sulphurous acid per liter, added in the usual cellar treatment, of which not more than 20 milligrams shall be free acid, is permissible without notification. Wines containing more than 350 milligrams per liter of sulphurous acid should not be offered for importation under any conditions.

3. *Sugar wines* are wines which are made partly by the addition of sugar to the must or otherwise previous to fermentation, and should bear upon the label "Sugar wines," or some similar legend, and the quantity of sugar employed in their manufacture should be stated in the declaration before the consul.

4. *Mixed wines*, that is, blended wines, should not bear the name of the vineyard from which a part of the mixture is made unless the label plainly indicates that it is a blend or mixture with other wines. If wine from any other country than that where the mixture is made, or from which it is exported, be employed, a statement to that effect should be found upon the label and in the declaration. Wines, sulphured wines, sugar wines, and mixed wines should not contain over 14 per cent, by volume, of alcohol.

5. *Fortified wines*, that is, wines to which additional alcohol has been added, under the law of the United States regulating fortification of wines, should contain no added alcohol except that derived from the distillation of wine, and the brandy so used should be properly aged in oak casks in order to be free from injurious compounds

such as fusel oils, etc. Raw brandy made from the lees, pomace, and refuse of the winery, and containing excessive quantities of fusel oil and other injurious ingredients, should not be used in the fortification of wines imported into the United States. Importers are requested to secure such information from their agents abroad as may enable them to certify to the character of the brandy used for fortification when any doubt exists.

6. *Brandy* (potable brandy) is the distillate from wine, properly aged by storage in wood to eliminate the greater part of the fusel oils, etc., which may be present. Brandy should contain not less than 45 nor more than 55 per cent, by volume, of alcohol and not more than 0.25 per cent of total solids (extract). The content of fusel oils should not exceed 0.25 per cent. Brandy should not be mixed with alcohol from any other source than that of distilled wine. The distillate from the lees, pomace, and refuse of the winery is not entitled to bear the term "brandy" in the potable sense. "Cognac" is only admitted as a name in the case of brandies made in Cognac from wines grown and manufactured there. No artificial color other than that derived from the wood in which they are aged is admitted in brandies.

7. *Whisky* is the distilled product of fermented cereal grains, properly aged in wood in order to remove the greater part of the fusel oils, etc., produced during the distillation. Whisky should not contain less than 45 nor more than 55 per cent, by volume, of alcohol and not more than 0.25 per cent of total solids (extract). The content of fusel oils should not exceed 0.25 per cent. No artificial color other than that derived from the wood in which it is stored is admitted in whisky. Blended whisky is whisky made of two or more whiskies. Compound or "rectified" whisky is whisky made with or without the use of some whisky from neutral, cologne, or silent spirits; that is, pure alcohol, to which artificial flavoring and coloring matters may be added. Such whiskies should be plainly branded on the label "Compound" or "Compounded," even if containing a percentage of pure whisky.

8. *Beer* is the fermented product of cereal grains, the starch of which has been converted into sugar by malt or malting, and to which an infusion of hops has been added.

9. *Fruit compounds*, such as jams, jellies, marmalades, etc., are preparations made from pure fruits or fruit juices, with the addition of sugar. The presence of artificial coloring matter, flavors, glucose, preservatives, and other added substances is not admitted for the pure products, and when used the fact should be plainly indicated in the English language upon the label. These bodies should not bear the name of any one fruit alone if they are made from mixtures of fruit or fruit juices.

10. *Sausage* is the comminuted edible meat of healthy slaughtered animals, commonly used as food, mixed with salt and condimental

substances. The packages should bear the certificate of an official inspector as to purity, and if pork, that it is free from trichinæ. The addition of preservatives should be plainly stated upon the label, and if these preservatives be deemed injurious to health, such sausages can not be admitted. Coloring matters when used are under similar restrictions.

11. *Salad* (*edible*) *oils* shall bear the name of the substance from which they are made, namely, olive, cotton seed, sesame, peanut, etc. The designation "salad oil" is not sufficient. If mixtures, this fact should be plainly stated upon the label, in harmony with the principles already laid down. The ingredients of a mixed oil should have their origin (country) named upon the label in order to conform with the provisions of the law.

12. *Vinegar* should contain not less than 4 per cent of acetic acid. The kind of vinegar should be named upon the label, namely, cider vinegar, wine vinegar, malt vinegar, spirit vinegar—meaning vinegar derived from the acetous fermentation of cider, wine, malt liquors, or distilled spirits, respectively. Any added coloring or other foreign matter should be noted upon the label and in the declaration.

13. *Labeling.*—If more than one article be present in a food product, the name of one of the substances alone is not deemed to be a sufficient label. If peas or beans have a portion of copper, the label should state that fact. The various natural constituents of a food product need not be noted, nor the presence of the usual condimentary substances employed in foods, viz, sugar, salt, spices, vinegar, and wood smoke. The term "sugar" is used in its usual signification, viz, sugar made from sugar cane, sugar beets, maple trees, sorghum, etc. When sugars are made by the artificial hydrolysis of starch, by an acid or malt, that fact should be noted on the label by the term "glucose," or starch sugar. "Grape sugar" is not admitted as a correct term for such products.

GENERAL STATEMENT.

The above specific illustrations indicate the position of the Department in regard to the general character of food products which may be imported without question.

The importer will do well to require his agents in foreign countries to carefully comply with the general principles set forth. In a few words they may be summarized as follows: Freedom from deleterious substances, notification of added foreign substances, truthfulness in labeling.

The standards of purity for food products, which have been fixed by the Secretary of Agriculture in harmony with existing law, are given in Circular No. 13 of the Secretary's Office and are applicable to imported foods, which should conform to these established standards.

(F. I. D. 5.)

PROPOSED REGULATIONS GOVERNING THE LABELING OF IMPORTED FOOD PRODUCTS.[a]

November 17, 1904.

(*a*) ARTIFICIAL COLORING MATTER (ESPECIALLY SULPHATE OF COPPER).

The use of sulphate of copper as a coloring matter in certain green vegetables has become quite prevalent. Sulphate of copper is a substance which in itself acts as a quick emetic and irritant, and therefore its presence in food products must be looked upon as undesirable.

Copper sulphate is irritant or mildly escharotic, and, when in dilute solution, stimulant and astringent. At one time it was given in *epilepsy* and other nervous diseases, but at present it is never used internally, except for its influence upon the gastro-intestinal mucous membrane. In *chronic diarrhea* with ulceration it is often a useful remedy. In doses of 5 grains it acts as a powerful, prompt emetic, without causing general depression or much nausea, but it is too irritant to be used freely.

A dose of copper sulphate as an astringent is a quarter of a grain (16 milligrams); as an emetic, 5 grains (330 milligrams).—(United States Dispensatory, 18th edition, p. 468.)

It is claimed by some manufacturers, chemists, and hygienists that copper sulphate, when added to green vegetables, forms compounds which are harmless to health.

Pending investigations which are now making, all food products colored with sulphate of copper, or to which sulphate of copper has been added for any purpose, should contain upon the label a statement in English, in letters not smaller than long primer caps, as follows: "Colored with sulphate of copper," or, if preferred, "Prepared with sulphate of copper." A statement of the quantity of copper, if any, which may be permitted in food products under the provisions of the law is reserved until further study of the question can be made.

Food products artificially colored with other substances than sulphate of copper should bear upon the label, in letters of the size described above, the legend "Artificially colored," or, if the manufacturer prefers, the statement "Colored with anilin dye," or whatever dyestuff may be used.

(*b*) GLUCOSE.

Manufactured food products in which glucose (sugar made by hydrolysis with an acid or otherwise from starch) has been used instead of sugar, or for other purposes, should bear upon the label in English, in letters of the size above mentioned, "Prepared with glucose," or some statement of similar import. The glucose which is used must be free from arsenic or other injurious substances.

---

[a] Circular No. 21, Bureau of Chemistry, U. S. Dept. Agr.

(*c*) FOODS PREPARED WITH OIL.

In countries where olive oil is the common edible oil the expression on food products "Prepared with oil" or "Packed in oil" will be construed to mean olive oil. Where a mixture of oils is used, or another oil than olive oil, a statement to that effect should be made upon the label.

This regulation in regard to labeling will go in effect on March 16, 1905. Importers are requested to immediately acquaint their agents in foreign countries with this ruling, in order that the proper preparation of the labels may be secured.

(F. I. D. 6.)

STYLE OF LABEL REQUIRED FOR IMPORTED FOODS.

[Note size of type.]

PREPARED WITH GLUCOSE.
COLORED WITH SULPHATE OF COPPER.
ARTIFICIALLY COLORED.

(F. I. D. 7.)

NOTICE TO EXPORTERS OF DESICCATED FRUITS.

August 31, 1904.

The Governments of Prussia and Saxony, in order to unify the practices of inspectors of desiccated fruits, have issued decrees fixing the limit of sulphurous acid in desiccated fruits at 0.125 per cent.

Exporters of such products from the United States are asked to take notice of this regulation and to refrain from sending to the countries named desiccated fruits containing an amount of sulphurous acid in excess of that mentioned above.

By authority of Congress, the Department of Agriculture will inspect cargoes of desiccated fruits intended for exportation, free of charge to exporters who may request such inspection. On application to the Bureau of Chemistry all necessary blanks will be sent. Exporters are urged, in order to avoid refusal or confiscation by other countries, to avail themselves of this opportunity to ascertain, before shipment, the percentage of sulphurous acid contained in goods intended to be exported.

(F. I. D. 8.)

NOTICE TO IMPORTERS OF LIQUID EGG PRODUCTS.

December 14, 1904.

This Department has made examinations of invoices of liquid eggs—yolk of egg, or white of egg, or the two together—offered for import into the United States. These food products have been uniformly

found preserved with boric acid or borax, a substance which the investigations in this Department have shown to be injurious to health.

Notice is hereby given to importers that the Secretary of the Treasury will be requested to refuse admission of food products of this character consulated subsequent to December 15, 1904.

(F. I. D. 9.)

NOTICE TO IMPORTERS OF DRIED EGG PRODUCTS.

February 24, 1905.

In regard to the importation of egg products in a dry state, preserved with boric acid or with other preservatives, with the exception of salt, sugar, vinegar, or wood smoke, further importation will be regarded as a violation of the provisions of the existing law. Refusal to admit such importations will not be requested of the Secretary of the Treasury on invoices consulated prior to January 21, 1905.

(F. I. D. 10.)

TREASURY DECISION ON REFUNDING DUTIES PAID ON CONDEMNED IMPORTATIONS OF FOOD PRODUCTS.

February 20, 1905.

The Secretary of the Treasury has informed the Secretary of Agriculture, under date of February 17, 1905, in regard to the duties paid upon imported food products before the inspection thereof has been completed by the Department of Agriculture, that in case the inspection is of such a character as to require the reshipment of the products in question beyond the jurisdiction of the United States, estimated duties paid under such circumstances will be refunded to the importer when delivery has been refused and the merchandise has been either destroyed or exported under the regulations.

(F. I. D. 11.)

SUSPENDING REGULATIONS GOVERNING THE LABELING OF IMPORTED SARDINES AND OTHER FOOD SUBSTANCES PACKED IN OIL.

March 1, 1905.

Referring to Circular No. 21 [F. I. D. No. 5*c*], respecting the packing of sardines and other food substances in oil, representations have been made to this Department, officially and otherwise, that in some countries where fish—namely, sardines—are packed in this way olive oil is not the common edible oil of the country, and therefore the regulation would not apply. I have directed that investigations be made of the character of the oil found in imported packages of sardines and other fish for the purpose of determining the character of the oil which has been employed.

Pending the result of these investigations, and in view of the fact that the packages intended for export to this country were prepared in many cases prior to the publication of the proposed regulations, that part of the circular referring to the marking of the packages respecting the character of the oil employed will be suspended until the investigations are concluded and until further notice.

(F. I. D. 12.)

ABOLISHING THE RULE TO ADMIT IMPORTATIONS OF FOOD PRODUCTS IN THE CASE OF FIRST NOTIFICATION.

March 1, 1905.

At the beginning of the enforcement of the legislation relating to the inspection of imported food products, in order to fully acquaint importers with the provisions of the law before any penalties were imposed, the inspecting officers were instructed in cases of first offense, where no purpose or intent to evade the law could be imputed to the importer, to pass the invoice under inspection, with notice that this was done without prejudice to future decisions.

The food-inspection law has now been in force since July 1, 1903, and it is presumed that every importer is acquainted with its existence and its requirements. Notice is therefore given that on and after March 16, 1905, the exception which has been made in the case of first notification will be abolished.

(F. I. D. 13.)

PROVISIONAL STANDARDS FOR THE LIMIT OF SULPHUROUS ACID IN IMPORTED WINES.

March 1, 1905.

The regulations in regard to the amount of sulphurous acid permissible in imported wines, as prescribed in Circular No. 18 [F. I. D. No. 4], were based upon the regulations adopted by the consulting committee of hygiene of the Seine. Since the publication of these regulations the quantity of sulphurous acid in wines has been the subject of another investigation by an official French committee, with the result that the maximum limit of sulphurous acid in wines in France has been increased to 400 milligrams of total acid per liter, with a toleration of 10 per cent. Results of the investigations of the French committee have been communicated to the Department of Agriculture and are under consideration. Investigations have also been conducted by the Department of Agriculture relating to the effects of sulphurous acid upon health and digestion.

Pending the final conclusions which may result from a study of all these data the provisional limit of sulphurous acid in imported wines will be established as follows: For dry wines, as defined in the standards of purity fixed by this Department in Circular No. 13 of the Secretary's Office, entitled "Standards of Purity for Food

Products," 200 milligrams of total sulphurous acid per liter; for wines containing not more than 2 per cent of sugar, 250 milligrams per liter; for wines containing not to exceed 3 per cent of sugar, 300 milligrams per liter; for wines containing over 3 per cent of sugar, 350 milligrams of total sulphurous acid per liter. These provisional standards will be in effect until further orders.

(F. I. D. 14.)

ANALYSES OF EXPORTS MUST BE MADE BEFORE SHIPMENT, ON SAMPLES TAKEN FROM ACTUAL CARGO.

March 10, 1905.

In the case of an attempt to introduce a condensed beef juice into Turkey the Turkish Government refused to admit the product "until an analysis thereof and a report on such analysis, duly certified by the Government of the United States and by the Turkish consul at New York, is presented to the Turkish authorities." Application being made to the Department of Agriculture, through the Department of State, for such certified analysis, the blank forms used for such certifications were supplied, when the following features of the case were developed, as set forth in a letter from the counsel of the company desiring the certificate:

> The forms which you inclose relate to a specific shipment of goods to any particular country and call for the selection of samples from the particular lot of goods set aside for shipment. * * *
>
> The Turkish authorities evidently do not require that such analysis and certificate should be presented in connection with each shipment, but only that a general analysis and certificate should be given. Upon the presentation of such general certificate permission can be obtained for the introduction of such goods without subsequent analysis and certificate.

In view of these facts the Department, under date of March 10, 1905, rendered the following decision:

> I regret that we are not able to adopt the views of the Turkish authorities of which you speak, and in harmony therewith make an analysis of your product and give a general certificate, as you desire. Under the regulations established for carrying out the law, to which the Secretary of State called your attention, this Department can only make analyses of samples from the actual cargo before its shipment.

(F. I. D. 15.)

PLACING PRESERVATIVES IN VINEGAR.

April 10, 1905.

Food products which are artificially colored will be admitted temporarily provided the color contained therein is not injurious to health. In regard to a preservative in vinegar, in the first place I can see no possible reason why a preservative should be put in vinegar, which is itself a preservative. In the second place, not knowing its character I could base no opinion on its admissibility. If

flavoring matters are placed in vinegar—that is, aromatic substances—there is no objection whatever to their presence. Preservatives, with the exception of salt, sugar, vinegar, and wood smoke, are noncondimental, and therefore can not be excused on the ground that they add any flavor or taste to the substance.

(F. I. D. 16.)

FALSE LABELING OF VINEGAR.

April 21, 1905.

It is held that the term "vinegar" applied to products made in France and other wine-producing countries where vinegar is made chiefly from wine should apply only to such goods or to vinegar made from cider. The analytical data in a given case show that the vinegar in question is not derived from either of these sources, but is evidently the product of oxidation of low wines or alcohol. It does not comply with the standard either for vinegar or wine vinegar on page 14 of Circular No. 13[a] of the Secretary's Office. It is evidently a vinegar such as is described under paragraph 6[b] of the same page and being such a vinegar should have been so labeled. It is held, therefore, that this product is falsely labeled.

(F. I. D. 17.)

LABELS ATTACHED TO WRAPPERS INSTEAD OF PACKAGES; STATEMENTS RELATING TO WHOLESOMENESS OF ADDED SUBSTANCE; PASTER LABELS.

April 21, 1905.

Our examination showed that these packages of jams were wrapped with paper, to which was affixed a paster containing the legend "ARTIFICIALLY COLORED" in large type, followed in small type by the phrase "With an infinitesimal proportion of absolutely

---

[a] 1. *Vinegar*, *cider vinegar*, or *apple vinegar* is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, is lævorotatory, and contains not less than four (4) grams of acetic acid, not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) gram of apple ash in one hundred (100) cubic centimeters. The water-soluble ash from one hundred (100) cubic centimeters of the vinegar requires not less than thirty (30) cubic centimeters of decinormal acid to neutralize the alkalinity and contains not less than ten (10) milligrams of phosphoric acid (P_2O_5).

2. *Wine vinegar* or *grape vinegar* is the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid, not less than one and four-tenths (1.4) grams of grape solids, and not less than thirteen hundredths (0.13) gram of grape ash.

[b] 6. *Spirit vinegar*, *distilled vinegar*, *grain vinegar* is the product made by the acteous fermentation of dilute distilled alcohol and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid.

harmless coloring." While there can be no legal objection to the additional phrase, it will be understood that the determination of this point is especially reserved by law to this Department.

On removing the paper wrappers of the packages the label which appeared on the outside of the packages was found attached to the stone jars, but the paster was missing. It is a reasonable construction of the law to say that the label required should be the permanent and not the temporary label. In subsequent imports, therefore, of goods of this kind it is deemed necessary to have the paster attached directly to or immediately above or below the principal label on the jar itself. The use of a paster is permitted provided it is as firmly attached as the original label in such a way as not to be easily removed, and further that it is applied to goods which are already labeled before March 16, 1905. In goods packed subsequent to this date it will be required that the part of the label which gives information in regard to added products shall be made an integral part of the original label.

(F. I. D. 18.)

STATEMENT OF QUANTITY OF ADDED SUBSTANCE IN FOOD PRODUCTS.

LETTER OF IMPORTER.

April 21, 1905.

We note certain imported tins containing peas labeled "This tin contains ¾ grain of copper as preservative." Permit us to inquire if the Department accepts this as correct branding.

In default, would your Department accept "Prepared with the addition of an infinitesimal amount of sulphate of copper not exceeding ¾ grain per tin?"

Pardon us for asking these questions, our reason being that in thirty-five years' dealing in so-called greened peas by our senior, not a single case of injury has ever come to his knowledge, and the bare statement now required on the tins of "Colored" or "Prepared with sulphate of copper" would appear to the consumer as a new and hitherto unused ingredient fraught with possible danger, thus seriously injuring the commerce in this article and reducing the revenue derived from its importation.

We beg to assure you that we would not thus appear to insist upon qualifying the label, if we deemed the article injurious, our personal consumption, as well as that of numerous friends, supported by the report of the council of hygiene in Paris in 1889, appearing to us as absolute proof of the innocuity of vegetables where the chlorophyl is thus fixed.

DECISION OF DEPARTMENT.

April 26, 1905.

When a label with letters of proper size and legibility contains the statement that it [the food product] is colored with sulphate of copper we consider that the conditions required by law are fulfilled. This statement, however, should not be in any way connected with any other matters. If the importers desire to put additional labels on, stating "This tin contains $\frac{3}{4}$ grain of copper," we should have no objections thereto. If, also, they should desire to add to the label required the phrase, "Prepared with the addition of an infinitesimal amount of sulphate of copper not exceeding $\frac{3}{4}$ grain per tin," we could not reasonably object. This descriptive matter, however, should not be connected with the label required, namely, "COLORED WITH SULPHATE OF COPPER." The fact that the people of this country might object to eating goods thus marked is the strongest argument you could give showing the justice of the marking. The object of the law was to prevent deception being practiced upon our people.

If any added supplementary statement is shown to be false by the results of the analysis it would be considered then as a misbranding, and treated accordingly.

(F. I. D. 19.)

FALSE BRANDING OF MUSHROOMS.

LETTER OF IMPORTER.

April 25, 1905.

We acknowledge receipt of your letter of the 18th advising that a certain shipment of mushrooms consigned to us * * * are misbranded, for the reason that the tins contain nothing but stems and scraps from the cannery.

In answer we beg to advise you that the goods in question are not sold by us as regular mushrooms to the trade. This particular packing is used only by the hotel and restaurant trade for the purpose of making a sauce, and on this account are branded "Hotels." This is the trade name given to the character of the goods in question, and it is always understood that they contain nothing but stems and pieces which are left over in the packing of the other grades.

Under these conditions we can not believe that we are importing goods that are misbranded, and would ask you to kindly release the shipment in question.

DECISION OF DEPARTMENT.

April 29, 1905.

In this connection I desire to state that the understanding of the trade respecting branding of food products is not one which should always guide the officials in charge of the pure-food law. The object

of the law is the protection of the consumers particularly and not of the trade. The addition of the word "Hotel" to the word "Champignons" in no way describes the character of the product except to those who are initiated in the secrets of the trade. After all, the consumer is the one who suffers, as he eats the mushroom sauce, which is not made of mushrooms at all, and thus the deception is complete, although the purchaser may understand the character of the goods. It is extremely doubtful whether under the terms of the law such goods would be entitled to importation under any name, as they certainly are not to be considered as edible. They should bear the label "FRAGMENTS AND SCRAPS FROM MUSHROOM CANNERY," or "CHAMPIGNONS. PIECES AND STEMS" in order to be properly described. I am not able to see why the patrons of hotels and restaurants should be subjected to a deception of this character. I beg to say, therefore, that your explanation does not satisfy me respecting the suitability of this invoice for entry.

(F. I. D. 20.)

STATEMENTS ON LABELS REGARDING HEALTH LAWS OF OTHER COUNTRIES.

May 17, 1905.

I beg to call your attention to a shipment of beans * * *. We note after the legend "COLORED WITH SULPHATE OF COPPER" the additional legend "ACCORDING TO FRENCH HEALTH LAWS." Inasmuch as the French laws do not apply to this country, the addition of this phrase is regarded as a complication of the labeling, having for its object to influence the consumer respecting the character of the added product. Inasmuch as the Congress of the United States has placed upon this Department the duty of deciding upon the wholesomeness or unwholesomeness of substances added to foods, we regard such a label as an attempt to forestall the judgment which this Department may render in accordance with the act of Congress above referred to. While in the present instance we would not consider the addition of the second legend as a cause for rejecting the articles, your attention is called to the undesirability of any such statement appearing upon the label, and it is suggested that in the future it be omitted.

Attention is further called to the fact that in so far as we can discover by a study of the French laws there are no regulations therein respecting the addition of sulphate of copper to food products. In this respect, therefore, the second phrase, "ACCORDING TO FRENCH HEALTH LAWS," must be considered as a misstatement. It may be that the addition of copper is not forbidden by the French law, but we do not believe it is added under any regulations thereof. It will be decidedly advisable to omit the phrase.

(F. I. D. 21.)

RELABELING IMPORTED FOOD PRODUCTS AFTER ARRIVAL IN THIS COUNTRY.

May 26, 1905.

The purpose of the law in regard to labeling is clear, namely, that the labels should be properly attached at the time of packing the goods. Should exceptions be made to this principle and importers be allowed to relabel goods offered for import after inspection and refusal of entry, it would be impossible to secure a proper compliance with the terms of the law. Manufacturers and exporters in other countries and importers in this country would prefer in these cases to import the goods as usually labeled and thus, if the invoices were not inspected, they would enter without delay. If, on the other hand, the invoices were inspected they would feel that they could then exercise the privilege of relabeling. A courtesy of this kind to one importer would necessarily be extended to all, and for this reason a proper compliance with the purpose of the law would not be secured. The request for permission to relabel is therefore denied.

(F. I. D. 22.)

ILLEGIBLE OR CONCEALED LEGENDS ON LABELS.

May 29, 1905.

There has been presented for the opinion of this Department a label in brass marked in large letters "CONSERVES ALIMENTAIRES" and which by ordinary inspection reveals no legend of any kind relating to any artificial color which has been used in its preparation. By very careful inspection an almost totally illegible label is found printed in extremely small letters in this way: The word "artificially" is in the upper left-hand corner surrounding a circular mark near the margin, and the word "colored," similar as to position and letters, is in the upper right-hand corner.

Printing the legend "Artificially colored" in this way can only be construed as an attempt to comply with the letter of the law and to evade its spirit. This Department holds that in so far as the purpose of labeling is concerned these words are entirely insufficient. As a result of this decision the packages of goods bearing the label have been declared to be misbranded.

(F. I. D. 23.)

LABELING OF PRESERVES SWEETENED WITH CANE OR BEET SUGAR AND GLUCOSE.

LETTER OF IMPORTER.

June 2, 1905.

With reference to the label on preserved strawberries and other fruits imported from Germany, etc., we would thank you to advise us whether you would permit the legend descriptive of the added substance (part of the original label) to read, for instance:

PRESERVED STRAWBERRIES
ARTIFICIALLY COLORED
PREPARED WITH PURE SUGAR AND GLUCOSE.

The sirup is almost entirely pure sugar, and it would therefore be an injustice to be compelled to say that it was composed exclusively of glucose.

DECISION OF DEPARTMENT.

June 5, 1905.

When a label with letters of proper size and legibility contains the statement that the goods are prepared with glucose, or with sugar and glucose, we consider that the conditions required by law are fulfilled. Manufacturers may add to the label required a statement of the percentage of glucose in the goods. If any statement on the label is shown to be false by the results of the analysis or otherwise, the package will be considered as misbranded and treated accordingly.

(F. I. D. 24.)

ADULTERATION OF DOMESTIC FOOD PRODUCTS BY THE ADDITION OF PRESERVATIVES, COLORING MATTERS, AND OTHER INGREDIENTS NOT NATURAL TO FOODS, NOT REGULATED BY DEPARTMENT.

June 14, 1905.

The Department of Agriculture is not authorized by law to make any regulations concerning the above-mentioned substances in food products of domestic manufacture and intended for domestic commerce either within the State where made or for interstate purposes.

For foods intended for export to foreign countries the Department is authorized to make examinations and certify whether or not the foods so offered are in harmony with the laws regulating food products in countries to which the products are to be sent.

In the case of imported foods the decisions and regulations of the Department are contained in the circulars and regulations issued herewith.

Numerous inquiries reach this Department respecting the addition to food products of preservatives, coloring matters, and other ingredients not natural to foods. This Department has authority of law to fix standards of purity for food products, and these standards when completed will cover all the points above mentioned in so far as the authority of Congress extends. The Department has no authority besides this to establish regulations or conditions affecting the domestic manufacture of and commerce in food products containing the ingredients above mentioned. This power at the present time is exercised, if at all, solely by the several States. The food standards, in so far as they have been established, are embodied in Circular No. 13, Office of the Secretary, which can be had upon application to this Department.

(F.I.D. 25.)

FOOD PRODUCTS OFFERED FOR ENTRY AND AFTERWARDS DECLARED TO BE FOR TECHNICAL PURPOSES.

June 21, 1905.

On June 14 this Department was asked to release an invoice of egg albumen which had been found to be preserved with boric acid, thus containing a substance prejudicial to health and refused admission on that ground, on the statement of the importer that the product would be reserved solely for technical purposes. It is manifest that the action of this Department should not be based upon any statement of the importer made subsequent to the sampling of the invoice for examination.

The plain provision of the law requires the inspection of food products when deemed advisable, and their exclusion in certain circumstances. When a food product is thus excluded under the regular application of the law, it can not be released and permitted entry on a subsequent declaration that it will be reserved for technical purposes only. Any product which may be used either for technical purposes or for food will be regarded as a food product, irrespective of any declaration subsequent to inspection respecting the use to which it is to be put.

The use of a food product for other purposes is incidental, and should not be construed as exempting food products of that class from examination in the regular way.

INDEX TO DECISIONS.

O

F. I. D. 26.

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISION 26.

LABELING IMPORTED FOOD PRODUCTS.

By reason of representations which were made before this Department on June 14 by a committee representing the importers of New York, it is hereby ordered that all cases of inspection of imported food products to date, where exclusion thereof has been required by reason of misbranding or false labeling, may be reopened with permission to relabel, if granted by the Secretary of the Treasury, under supervision of an official detailed from the Treasury Department for that purpose. These labels shall be in the form of a paster attached securely to, or just above or below the principal label, in a manner not to be easily detached, and bearing a legend showing the contents of the package not of the nature represented by the principal label, in letters not smaller in size than long primer caps of the usual facing, such labels to be submitted to the proper representative of this Department and be approved as satisfactory before the release of the invoice.

In order to more clearly set forth the requirements of this Department as contained in Circulars 18 and 21 of the Bureau of Chemistry (F. I. D. 4 and 5) and in other publications of the Department, the following general principles of labeling of food products are to be observed:

1. A food product should be designated by its usual name, English name preferred, and need not bear any further description of its components or qualities. Food products which are prepared by established processes of refining need not bear upon the label any statement respecting the refining process. For illustration, the term "flour" is sufficient for the food product known by that name; the term "olive oil" is sufficient for the food product known by that name. The usual processes of manufacture and refining in these cases are not required to be stated.

2. When any foreign substance is added to a food product other than that necessary to its manufacture or refining, the label should bear a statement to that effect. For instance, a food product which is artificially colored or to which a preservative has been added should have these facts appear upon the label. If a substance which itself is not a coloring matter be added to a food product for the purpose of preserving or intensifying the natural color of the food, the name of the substance shall be specifically mentioned, as, for instance, when sulphate of copper is used to intensify or preserve the green color of food products.

3. Where a substance which is generally understood to have specific qualities in the preparation of a food product is replaced by another substance either of a similar nature or entirely different thereto but with some of the same qualities,

the name of the substituted substance should appear upon the label. For instance, sugar is the usual sweetening substance in the preparation of certain food products. If the sugar is wholly or in part replaced by another substance, such as glucose, that fact should appear. If the sweetening substance used be saccharin, a substance which is not related to sugars at all, the label should indicate such substitution. Where olive oil is used in the preparation of foods and where it is understood by the term "oil" that olive oil is indicated, the substitution of any other edible oil for the olive oil should be noted on the label.

4. Where a substance is made up of fragments or scraps of the material usually known by the name upon the label, the name of the substance alone will be deemed a misbranding. For instance, if the fragments of stems and pieces of mushrooms which remain after the canning of the mushrooms themselves be labeled "mushrooms" alone it will be deemed misbranding. Such a package should be labeled "pieces and stems of mushrooms" or some similar appellation. If the cores and peelings of apples be labeled "apples" alone a similar condition is presented and the name will be deemed insufficient and misleading.

5. If any essential or important ingredient of a food product be abstracted, and such abstraction is not necessary nor usual in the preparation or refining of such food body, the label should plainly indicate the ingredient thus removed. For instance, if a portion of the butter fat be removed from milk, even if there remain a sufficient quantity of butter fat to comply with the standard, such an abstraction is to be noted upon the label.

6. A food product which is misbranded in respect to the locality or country where it is made, produced, or manufactured, under the provisions of the law is misbranded and is not entitled to entry. For instance, if the product of one country, as the olive oils of Spain, be sent to an Italian port and there bottled and labeled as Italian oil, such a label will be deemed to be a misbranding. If wine grown in Algeria or Italy be bottled in France as a French wine it will be deemed a misbranded product.

7. If a food product bear a name which is in any way misleading in regard to the quality, character, or origin of the product it is a misbranding under the law and is a sufficient cause for the exclusion of the goods covered by the invoice from entry.

8. The addition of the ordinary condimental substances to a food product, such as sugar, vinegar, salt, spices, and wood smoke, may be practiced without any notice to this effect appearing upon the label.

9. Food products of any given name are to correspond in quality to the standards established by authority of Congress for such products, and if they vary from this standard a notice to that effect is to appear upon the label.

10. The presentation of properly labeled food products as outlined above does not insure their admission. Such products, even when properly labeled, may be refused entry because of threatened injury to health or because they are of a nature forbidden in the country in which they are made or from which they are exported.

11. The principal label on a food product, that is, the part of the label which declares the character of the product, should not be connected with any statement relating to the wholesomeness or hygienic qualities of the product itself, nor should it contain any reference to the laws relating to such products either applying to the country where made or to this country. These are questions which are reserved especially for the consideration of this Department by act of Congress, and any attempt to prejudice the consumer regarding the matter should not be connected in any way with the label itself.

12. The actual form and character of the label are left to the judgment of the manufacturer. The regulations require certain notings of added substances to

be in the English language and of a size and distinctness easily legible and occupying a position directly on the label and not to the side nor on the margin, nor in any position where the label itself could be read without the attention of the reader being directed to the name of the added substance or other special inscription.

13. The privilege of relabeling after arrival at a port in this country, as hereby extended, shall cease on and after September 1, 1905, thus giving ample time for all cargoes now afloat to reach our ports.

14. The name of the added substance or of the abstracted substance required by the above regulations should appear as nearly as possible in connection with the name of the food product upon the original label and in a position as conspicuous as that of the food product itself and as legible. The size of type required, namely, not smaller than long primer caps, is the minimum size which it is deemed would be easily legible to a consumer in looking at a package of food products as offered him in ordinary trade. The letters should be not less in size nor less distinct in facing than the following legend:

COLORED WITH SULPHATE OF COPPER,

and in all cases this descriptive matter is to be printed in the English language, whatever be the language used in naming the food product. In all food products packed subsequent to September 1, 1905, the descriptive matter mentioned in this circular as necessary for proper labeling will be required to be a part of the original label and not attached as a paster. In food products packed and labeled prior to September 1, 1905, the paster above described will be admitted upon certificate of this fact until May 1, 1906, after which only original labels of correct form are to be admitted as sufficient for the purpose of correct labeling.

Previous decisions not in harmony with the present order are hereby modified in accordance with the above regulations.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *June 22, 1905.*

○

F. I. D. 27–30.

United States Department of Agriculture,

BUREAU OF CHEMISTRY,

H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISIONS 27–30.

(F. I. D. 27.)

ADMISSION OF SARDINES BOILED IN PEANUT OIL AND PACKED IN OLIVE OIL.

As a result of the conference held between the Chief of the Bureau of Chemistry and the manufacturers and packers of sardines in Nantes, Bordeaux, and Paris, it appears that it is a practice somewhat common among the packers of sardines to boil the fish in peanut oil previous to packing. It is claimed by some manufacturers that this process improves the quality of the fish and also the color, and is a distinct advantage in the preparation of the fish in packing. Subsequent to the boiling in peanut oil the fish are so placed as to secure a perfect drainage so that all oil which naturally would exude from the fish is separated therefrom. In this condition they are afterwards packed in pure olive oil. A small quantity of peanut oil remaining in the fish diffuses in this way with the olive oil to such an extent that the oil gives a distinct reaction for peanut oil.

Pending further investigations of this process and its necessity, inspectors at the different laboratories are permitted to admit sardines labeled "Packed in Olive Oil" in which a small quantity of peanut oil is found; provided the invoice be accompanied by a certificate, approved by the consul, to the effect that the oil used in packing the sardines was pure olive oil, and that previous to the packing the sardines had been treated in hot peanut oil as described above. The regulations, F. I. D. 5 c and F. I. D. 11, are therefore accordingly modified, permitting the importation of sardines labeled "Packed in Olive Oil" when the quantity of peanut oil therein is found not to exceed 5 per cent, as nearly as can be determined with a reasonable toleration for difficulties of analysis, and variation in duplicates.

This amendment is of a provisional nature and will be in force until further investigations can be made and until further ordered.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *September 23, 1905.*

(F. I. D. 28.)

MAXIMUM QUANTITY OF SULPHUROUS ACID IN WINES.

As the result of a conference between the Chief of the Bureau of Chemistry and Professor Gayon and other members of the French committee of oenology and exporters of wines, held at Bordeaux, August 26, 1905, the following modifications of F. I. D. 13, issued March 1, 1905, are made:

It was learned from the French expert, Professor Gayon, who is the principal advisor of the committee of oenology, that steps have already been taken to prevent the excessive use of sulphur which, it is admitted, in years past has been practiced at times in the preparation of French white wines. The quantities of sulphur which are now permitted to be burned are prescribed for each kind of wine in order to avoid any excessive use. It is believed that by these new regulations the wines which are prepared subsequently to the issue of the regulations of March 1, referred to above, namely, the wines of the vintage of 1905 and of subsequent vintages, will not contain a quantity of sulphurous acid in excess of the amounts specified in the regulations of F. I. D. 13. Wines prepared previous to these regulations, however, may still contain, even in the absence of notable quantities of sugar, more sulphurous acid than would be permissible under the existing provisional standards.

With the desire to meet the wishes of the French makers and exporters who are endeavoring now to diminish the quantity of sulphurous acid in white wines hereafter made, it is deemed advisable to modify the provisional regulations slightly to avoid as much as possible any retroactive intent. It is therefore prescribed, provisionally, in modification of F. I. D. 13, that wines imported into the United States from France or other countries, containing not to exceed 350 milligrams of sulphurous acid, may be admitted without respect to the quantity of sugar contained therein. There will also be permitted a tolerance of 20 milligrams per liter to cover the difference in different samples and the variations incident to duplicate analyses. This modification of F. I. D. 13 will not apply to the wines of the vintage of 1905 nor to succeeding vintages. To wines of these vintages the provisional standards provided in F. I. D. 13 will still apply until further orders.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *September 23, 1905.*

(F. I. D. 29.)

COLORING MATTERS IN SYNTHETIC FOODS.

The term synthetic food as herein used is applied to a food product made of a mixture of various other food products and not of itself possessed of any of the characteristics of a natural or uncompounded food. Such food products should bear some special name not indicative of natural origin, character, or quality. A class of products typifying such synthetic foods is the product known as candy or confection. It has been customary to use harmless artificial colors in such foods in preparing them for consumption. Such colors are not calculated to deceive or mislead, because the foods themselves do not represent any natural food product. The regulations of this Department applying to imported food products require that such products, when artificially colored, should bear a legend on the label to that effect. This regulation should be construed to apply only to food products which of themselves have a natural color and in which the use of artificial colors would tend to mislead or deceive the purchaser.

Until further orders synthetic food products, as described above, not having of themselves any natural color nor bearing any name which would indicate an origin relating to a food product of a definite color, may contain harmless coloring matter without notice on the label. This permission is not to be construed, however, in any way which would permit the use of coloring matter if the product by its name indicates a special origin. For instance, candies which are sold under the name of chocolates should not be permitted to carry a color imitating the natural color of chocolate, and this principle should apply to other confections bearing names of definite origin. The Department will not undertake to specify by name the colors which may be used further than to say that they must be of a harmless character, not injurious to health, and must comply with the laws and regulations of the countries from which the food products are imported.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *September 27, 1905.*

(F. I. D. 30.)

THE USE OF PACKAGES MADE OF TIN PLATE, ON WHICH LABELS HAVE BEEN PRINTED FOR PRESERVED VEGETABLES, ETC., ORDERED AND DELIVERED TO MANUFACTURERS PRIOR TO SEPTEMBER 1, 1905.

From the investigations lately made by the Chief of the Bureau of Chemistry, it appears that in a few instances European manufacturers of preserved vegetables, intended for export to the United States, had provided a large number of packages made of tin, on which the labels had been printed previous to the manufacture of the tin cans. The printed matter can not be erased from the cans, nor can it be conveniently covered without destroying the artistic appearance of the packages. These tin cans had been ordered and delivered to the manufacturers before the publication of F. I. D. 26, requiring the presence of preservatives, coloring matters, etc., to be indicated upon the original label and not attached by means of pasters subsequent to September 1, 1905. In many cases considerable expense has been incurred by the manufacturers in the purchase of these tin cans with the labels printed thereon.

Inasmuch as these packages were purchased in good faith and were not intended to disregard the regulations of the law relating to imported food products, permission will be given to use them in packing preserved vegetables for the season of 1906 on the following conditions:

1. That the tin cans in the possession of manufacturers shall have been ordered and delivered previous to September 1, 1905.

2. That the manufacturer shall make a statement before the consul in each case of the number of such packages which he had on hand at the date mentioned.

3. That the manufacturer shall attach a special paster, in a conspicuous place on the label, in such a way as to make it practically irremovable, indicating the presence of the preservative, coloring matter, etc., which may have been used in the preparation of the contents of the package, by the use of type not smaller than long primer capitals, as shown in F. I. D. 6, and submit samples thereof to this Department prior to shipment.

4. That these packages already on hand may be used for the crop of 1906, but not for a longer period.

5. That the importation of these packages into the United States under the regulations above mentioned shall not continue longer than May 1, 1907.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *September 29, 1905.*

O

F. I. D. 31.

United States Department of Agriculture,

BUREAU OF CHEMISTRY,

H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISION 31.

LABELS ON DETACHABLE WRAPPERS.

In the examination of certain imported goods to ascertain whether the requirements of F. I. D. 17, of April 21, 1905, have been complied with, instances have been found where wrappers on which a part of the label only is printed are used with packages, and the declarations required in the principal label (in conformity with the decision referred to and other decisions) are omitted. Inspectors of imported food products will be instructed to regard a package as misbranded if a wrapper is placed over the label attached to the package and the statements on said wrapper omit any of the declarations required on the principal label.

An illustration of this ruling is found in the examination of a recent importation on the principal label of which it is stated that salicylic acid was used in the preparation of the sample. The package is inclosed in a wrapper on which is found a part of the label, namely, the name of the substance together with the name of the manufacturer, but no statement of the fact that salicylic acid was used in its preparation. Inasmuch as these packages may be sold without the removal of the wrapper, the wrappers would not in their present form convey the necessary information to the purchaser and consumer.

The provisions of this decision will be enforced on and after January 1, 1906.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *October 14, 1905.*

O

F. I. D. 32.

United States Department of Agriculture,
BUREAU OF CHEMISTRY,
H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISION 32.

FOODS ENTERED FOR THE PURPOSE OF SALE TO OUTGOING SHIPS.

An importer has made the following statement relating to the labeling of certain products, namely:

> We should like, however, to point out to you that our trade is one by itself, and these goods, and mostly all the other goods that we import, are not for consumption in the United States, but are shipped by us on board foreign-going vessels. Our business is the ship-supply trade, and these importations are brought in to enable us to give the same supplies to the different vessels as we are in the habit of furnishing in Great Britain. Under the circumstances, therefore, we hope if we furnish bonds or give you a guarantee that any goods, such as marmalade, imported by us would not be consumed in the United States it would enable you to pass the goods as they have been of late.

This is a case similar to F. I. D. 25, "Food Products Offered for Entry and Afterwards Declared to be for Technical Purposes." The principle involved is that a declaration respecting the uses to which a food may be put does not in any way affect its inspection when offered for entry and delivered to the consignee. If a food product be regularly offered for importation into the United States the subsequent use to which it may be put is not a matter which can affect in any way the duties of the inspecting officers. It is not the duty of these officers to follow the food into consumption nor to see what becomes of it after it is delivered to the consignee. The duty of these officers is to see that the food at the time of inspection conforms to the provisions of the law, that it has had no injurious substance added to it, that it is in a state fit for consumption, that it is properly labeled, and that it is not of a character forbidden sale or restricted in sale in the country where it is made or from which it is exported. If the foods in question conform to these provisions of the law, they are permitted to be delivered to the consignee. The purpose of the consignee in securing the goods and the disposition which he makes of them after they are secured do not appear to have any bearing upon the subject of the inspection itself. In the present case it is declared that the goods are intended to be sold to outgoing steamships. At the time of sailing these steamships are subject to the laws of the United States. The provisioning of these ships is made under the laws of the United States with articles of food produced in or imported into the United States.

In the enforcement of the law it makes no difference whether the foods are intended for disposition in this way or for ordinary consumption. If it is desired to use such foods for transhipment, they could be entered in bond, never passed through the custom-house, and removed from bond and reshipped. If the foods are treated in this way, and thus never brought within the jurisdiction of the United States, this Department will have no control over them in any way whatever. They would remain solely under the control of the Treasury Department, and that Department would see to it that they were reshipped beyond the jurisdiction of the United States. Even in this case it does not seem, however, that it would be possible to sell such goods for consumption on ships carrying the American flag. The application of the importer for a special ruling, therefore, in such cases is denied.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *October 30, 1905.*

O

United States Department of Agriculture,
BUREAU OF CHEMISTRY,
H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISIONS 33–36.

(F. I. D. 33.)

THE IMPORTATION OF A BEVERAGE UNDER A MISLEADING NAME.

A shipment of food product has been offered for importation labeled *Raspberry Vinegar*. On notice that it was held for inspection, a representative of the importer appeared and stated that the substance was not a vinegar, but a drink, and intended to be used as a beverage. In this case the material is held to be misbranded, as a vinegar is never intended for a beverage, but only as a condiment.

Notice is given that after May 1, 1906, importations of this description, or similar thereto, will not be admitted if misbranded in the manner mentioned. The name of the article, if descriptive, must indicate its true character. It is suggested that the term *Raspberry Beverage* is a suitable designation. It will be held, however, that if so labeled it must be a beverage made solely from raspberries or raspberry juice, and not preserved with any substance unmentioned on the label, except sugar, vinegar, or spices. Any substance added to such a product must not be injurious to health nor in violation of the laws of the country whence it comes.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 16, 1906.*

(F. I. D. 34.)

PRESERVATIVES IN SAUSAGES.

An importer has made the following request:

About two years ago we had some difficulty with the Department of Agriculture on account of an added preservative or acid being found in German Frankfurter sausages. Our manufacturer has discontinued using any preservative, and we find that the sausages do not keep very well without this added preservative. We would ask you to kindly let us know if there is any objection to our using salicylic acid, boracic acid, benzoic acid, or, in fact, any preservative, if it is plainly stated on the label.

Inasmuch as letters of this nature are occasionally received, it is deemed advisable to make a general statement concerning the attitude of this Department in matters of this kind. It is neither practicable nor advisable for the Department to act in the capacity of scientific

adviser to any importer or manufacturer of food products. The Department should be left free in all cases to decide according to the existing law the fitness of any food product to be delivered to the consignee. It can not, therefore, advise in respect of the use of any preservative or any other added substance further than is done in the regular decisions published in this series. The addition of any preservative of any kind to a food product may be objected to for three reasons:

(1) It may be a case of misbranding when the added body is not mentioned on the label.

(2) The added substance itself may be deemed to be injurious to health either as the result of present knowledge or of subsequent investigations.

(3) The added substance may be forbidden by the laws of the country in which the foods are made or from which they are exported.

In the case of the German sausage referred to, both boric and salicylic acids are prohibited by the German laws. Boric acid has been declared by this Department to be injurious to health. It does not appear that there is any convincing reason for the use of any preservatives in sausages except the usual condimental ingredients—salt, vinegar, spices, and wood smoke.

Until the results of experiments conducted in the Bureau of Chemistry are declared, small quantities of benzoic acid and benzoates, salicylic acid and salicylates, sulphurous acid and sulphites and copper sulphate are permitted in food products when plainly declared upon the label and when not forbidden by the laws of the countries where the foods are produced or from which they are exported. With respect to sulphurous acid in wine, this decision is not intended to supplant the principles laid down in F. I. D. 28. This permission is given without prejudice to any future decision of the Department excluding such substances by reason of excessive quantity or as being prejudicial to health, or for other legal causes.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 16, 1906.*

(F. I. D. 35.)

MODIFYING IN CERTAIN CASES PROVISIONS IN F. I. D. 12 AND F. I. D. 26.

Experience has shown that in some cases the literal execution of the provisions of F. I. D. 12, of March 1, 1905, relating to first notice to importer, and of F. I. D. 26, relating to the date at which relabeling after arrival in the United States may be permitted, namely, September 1, 1905, may cause unnecessary annoyance and inconvenience. It is

therefore ordered that these two decisions be modified to permit in certain cases the importation of an article not labeled strictly in harmony with the provisions of the food-inspection laws after it is relabeled in a manner satisfactory to the Department. Such action seems especially desirable at the smaller ports, where exact information respecting the requirements of the inspection of foods is not so easily obtainable.

F. I. D. 26 is also amended so that in certain cases importation after relabeling will be permitted. It is difficult to state exactly in what cases these amendments to F. I. D. 12 and F. I. D. 26 will be applied. In general, it may be said that where a food product is misbranded, but no substance deleterious to health has been added, and where neither the importer nor the shipper has had notice of the existence of the law or of its requirements, permission to relabel may be given. A similar permission will be extended to all food products already afloat at the time of receiving the first notice, or which are so advanced in shipment that they can not be countermanded by cable or otherwise. Other miscellaneous requests for permission to relabel will be decided upon the merits of the case presented, and permission to relabel be granted when it is evident that neither negligence nor indifference is responsible for the failure to secure a proper branding of the product. A similar permission will also be granted when it is apparent that the purpose of the law may thereby be fully accomplished. This action is not to be taken in case of food products containing added substances injurious to health or forbidden by the laws of the country from which the substance comes.

In this connection it is suggested to importers that all orders for food products in the United States be given subject to the passing of the inspection at the ports of entry. It will not be considered a sufficient excuse for the importation of improperly branded or otherwise objectionable food products to show that they were paid for before the inspection took place. The law has now been in force long enough to acquaint foreign exporters with its existence and domestic importers with its provisions. It is therefore held that paying for food products before inspection is completed will not be deemed a sufficient excuse for asking for the relabeling, remarking, or admission thereof.

There are certain other cases in which relabeling of an importation of food products may be permitted, but in no case will such a courtesy be extended where it is evident that either importer or exporter has had ample opportunity and notice to comply with the provisions of the law. Such cases include those where evidently honest attempts have been made to comply with the conditions of the law and where failure has been due to ignorance of the exact nature of the conditions required, or some unavoidable cause. These amendments are made to prevent unnecessary annoyance and hardships, and will not be construed in any way to excuse a failure to comply with the conditions of the law where

it is evident that these conditions have been fully understood and opportunity afforded for their application.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 16, 1906.*

(F. I. D. 36.)

SUBSTANCES, ORDINARILY FOOD PRODUCTS, INTENDED FOR TECHNICAL PURPOSES.

The question has been raised on several occasions whether food products which are offered for importation for other purposes than to be used in foods are subject to the inspections of similar products when intended for consumption. It has been held (F. I. D. 32) that it is not the purpose of the law, nor is it possible, to follow the ordinary food product into consumption in order to determine to what use it is finally put. The law levying duty on olive oils specifically provides that when such oil is imported for mechanical purposes it is free from duty as an edible oil, provided it is in a condition of rancidity or other state which renders it unfit for consumption as human food. There is no statute covering a similar condition for other food products. It seems only reasonable, however, to apply this principle of law to other food products when it can be done without complicating the question of the ordinary inspection.

It is therefore held that a substance which ordinarily is considered a food product, when offered for importation for technical purposes may be admitted without inspection on the following conditions:

(1) That in the invoice and accompanying declaration it is specifically stated that the substance in question is to be devoted solely to technical use.

(2) That the substance be so denatured, either by natural or artificial means, as to render it unfit for consumption as human food.

This Department reserves the right to determine in any given case whether or not the denaturing process is of a character which would render it impracticable to recover the article in a form suitable for consumption as human food. When substances ordinarily food products are presented hereafter for import into this country with the invoice and declaration above mentioned and in the denatured condition specified, they will not be detained for inspection by this Department longer than is necessary to ascertain the above facts. A denaturing process will be held to be valid provided it so changes the taste of the food product as to make it impossible for it to be consumed for food purposes, as, for instance, by the addition of an excessive quantity of common salt or other denaturing agent which would impart a taste of such a character as to cause it to be rejected by any one attempting to consume it.

This decision shall not be considered in any way to change the opinion of this Department with reference to food products offered as such for importation and afterwards declared to be intended for technical purposes, as stated in F. I. D. 25, of June 21, 1905.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 18, 1906.*

F. I. D. 37–38.

United States Department of Agriculture,
BUREAU OF CHEMISTRY,
H. W. WILEY, Chief of Bureau.

FOOD INSPECTION DECISIONS 37–38.

(F. I. D. 37.)

LABELING OF CHOCOLATES.

The question of the proper marking of plain or bitter chocolates and sweet chocolates has arisen on several occasions in the inspection of imported food products, and, after full investigation of all the facts of the case and the relations of previous decisions thereto, it appears that the following points are established:

1. Chocolate, plain or bitter, is imported for cooking and not for directly edible purposes.

2. Sweet chocolates are imported practically as a candy or confection.

This question is covered to a certain extent in F. I. D. 26, section 8, which reads as follows:

> 8. The addition of the ordinary condimental substances to a food product, such as sugar, vinegar, salt, spices, and wood smoke, may be practiced without any notice to this effect appearing upon the label.

Section 9 limits the application of section 8. It reads as follows:

> 9. Food products of any given name are to correspond in quality to the standards established by authority of Congress for such products, and if they vary from this standard a notice to that effect is to appear upon the label.

It appears from the standards adopted by authority of Congress (Circular No. 13, Office of the Secretary) that chocolate, plain or bitter, can not have any substances added to it not noted in the standard and remain a standard product. If, therefore, chocolate, plain or bitter, have any starch or other substance added thereto for any purpose whatever, or sugar in insufficient quantities to make it a sweet chocolate, the addition of these bodies should be indicated by an appropriate statement on the label.

On the other hand, sweet chocolate, being intended for and plainly being a confection, would not require a statement to the effect that sugar had been added or a statement in regard to any of the other substances mentioned in the standard. If, however, any foreign substance other than that mentioned in the standard should be added to a sweet choco-

late, a proper statement indicating that fact would be required upon the label.

This decision is given without prejudice to revision in case it should become advisable, as a result of experience, to further distinguish between these two bodies by some appropriate designation.

"Milk chocolate" will be considered as a sweet chocolate to which whole milk (fresh, evaporated, or desiccated) has been added.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *March 30, 1906.*

(F. I. D. 38.)

LABELING OF COCOAS.

Cocoas, in the preparation of which alkalis or other substances have been employed in order to increase the apparent solubility of the product, should bear on the label a declaration of such treatment. The phrase "Prepared with Alkali" (or alkalis) or "Manufactured with Alkali" (or alkalis), or some similar statement, would be a sufficient notification. This declaration should also be in keeping with the provisions of F. I. D. 26. The denomination of such products as "soluble cocoas" will not answer, since the term "soluble," as used in this connection, is, to a certain extent, misleading. The apparent increased solubility of products treated as above is due rather to the suspension of the particles than to their solubility. The descriptions of the manufacture of these products show that potassium carbonate, sodium carbonate, magnesium carbonate, ammonium carbonate, and ammonium hydroxid are the principal alkaline salts employed. Tartaric acid is also at times used to correct any undue alkalinity produced by these added substances. The subject of the wholesomeness of these added products is reserved for further consideration.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *March 30, 1906.*

O

United States Department of Agriculture,
BUREAU OF CHEMISTRY,
H. W. WILEY, Chief of Bureau.

(F. I. D. 39.)

PRESERVATIVES AND ARTIFICIAL COLORS IN MACARONIS.

Inspection of recent importations of macaroni, noodles, and similar products has shown that these goods sometimes contain chemical preservatives, such as fluorids, which are regarded as injurious to health. A small amount of coloring matter is also frequently added to macaroni. It appears that Martius yellow is often used for coloring these products. This substance is held to be injurious to health and is so classed by the laws of several European countries, especially Italy, which has decreed that, among other colors, Martius yellow (dinitro yellow, naphthol yellow, Manchester yellow, saffron yellow, and gold yellow) must not be used in the preparation of foods. In view of this fact no importation of macaroni colored with Martius yellow or other colors forbidden by the Italian law, or preserved with fluorids or other preservatives injurious to health, will be permitted after June 1, 1906, and all importations of macaroni which contain any permissible coloring matter must be labeled with the words "Artificially colored," in accordance with F. I. D. 26.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 1, 1906.*

○